IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 251 of 2004(E)

PETITIONER

ABDUL JABBAR @ JABBAR MATHER,
S/O. KUNJIKOCHU MATHER, KAKKANATTIL HOUSE,
SREEMOOLANAGARAM P.O., ALUVA.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.AMINA

RESPONDENTS:
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1. DISTRICT COLLECTOR, ERNAKULAM.

2. REVENUE DIVISIONAL OFFICER,
RDO OFFICE, FORT KOCHI.

3. TAHSILDAR, ALUVA.

4. VILLAGE OFFICER, CHOWARA VILLAGE.

5. SREEMOOLANAGARAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
SREEMOOLANAGARAM.

BY ADV. SRI.MATHEW ZACHARIAH --- R5
SRI.KOSHY GEORGE
GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 251/2004 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE BASIC TAX RECEIPT DT. 15/5/78.

EXT.P1A. COPY OF THE BASIC TAX RECEIPT DT. 7/2/83.

EXT.P2. COPY OF THE BRICK MANUFACTURING LICENSE OBTAINED BY THE PETITIONER DT. 11/1/2001.

EXT.P3. COPY OF THE CURRENT PROPERTY TAX RECEIPT IN RESPECT OF THE PETITIONER'S BROTHER PROPERTY DT. 17/11/2003.

EXT.P3A. COPY OF THE CURRENT PROPERTY TAX RECEIPT OF THE PETITIONER'S PROPERTY DT. 17/11/2003.

EXT.P4. COPY OF THE PHOTOGRAPH SHOWING THE LIE OF THE PETITIONER'S PROPERTY DATED NIL.

EXT.P4A. COPY OF THE PHOTOGRAPH SHOWING THE LIE OF THE PETITIONER'S PROPERTY.

EXT.P4B. COPY OF THE PHOTOGRAPH SHOWING THE LIE OF THE PETITIONER'S PROPERTY.

EXT.P5. COPY OF THE REPORT OF THE REVENUE INSPECTOR OF ALUVA TALUK OFFICE DT. 30/3/98.

EXT.P6. COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO R1 DT. 7/11/00.

EXT.P7. COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE R1 DT. 27/07/2001.

EXT.P7A. COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE R1 DT. 5/11/2003.

EXT.P8. COPY OF THE RESOLUTION BY THE R5 DT. 21/10/97.

EXT.P8A. COPY OF THE RESOLTUION BY THE R5 DT. 9/12/97.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 251 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

This writ petition is filed with the following prayers.

a) Issue a writ of mandamus or other appropriate writ, direction or order directing the respondents to take immediate steps to ensure that the property of the petitioner- 1.31 acres comprised in RS. 65/1 (old Sy. No. 287/3) (originally 1.84 acres/ 1.66 Acres in Survey No. 287/3) of Chowara Village is not further eroded;

b) Issue a writ of mandamus or other appropriate writ, direction or order directing respondents 1 and 2 to conduct a site inspection of the property of the petitioner and issue immediate instructions to enable the petitioner to take necessary steps to safeguard his property.

2. There will be a direction to the respondents to take appropriate action, in accordance with law, in the light of Exhibits P8 and P8(a) resolutions of the Grama Panchayath, if not already taken, within a period of six months from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp